

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

GAMALIEL SANCHEZ-LOPEZ,

Petitioner,

v.

WARDEN,

Respondent.

No. 1:23-cv-00739-JLT-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 6)

ORDER DISMISSING PETITION FOR WRIT
OF HABEAS CORPUS AND DIRECTING
CLERK OF COURT TO ENTER JUDGMENT
AND CLOSE CASE

Gamaliel Sanchez-Lopez is a federal prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned magistrate judge issued findings and recommendations to dismiss the petition as unexhausted. (Doc. 6.) Those findings and recommendations were served upon all parties, and it notified them that any objections thereto were to be filed within 21 days after service. No objections have been filed, and the deadline to do so has expired.

According to 28 U.S.C. § 636 (b)(1)(C), the Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the magistrate judge's findings and recommendations are supported by the record and proper analysis.

In the event a notice of appeal is filed, a certificate of appealability will not be required

1 because this is an order denying a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241,
2 not a final order in a habeas proceeding in which the detention complained of arises out of
3 process issued by a state court. *Forde v. U.S. Parole Commission*, 114 F.3d 878 (9th Cir. 1997);
4 *see Ojo v. INS*, 106 F.3d 680, 681-682 (5th Cir. 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th
5 Cir. 1996). Accordingly,

6 1. The findings and recommendations issued on May 17, 2023, (Doc. 6), are

7 **ADOPTED IN FULL.**

8 2. The petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**

9 3. The Clerk of Court is directed to enter judgment and close the case.

10 4. In the event a notice of appeal is filed, no certificate of appealability is required.

11 This order terminates the action in its entirety.

12
13 IT IS SO ORDERED.

14 Dated: **July 12, 2023**


UNITED STATES DISTRICT JUDGE